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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,774	01/26/2004	Clemens Johannes De Vroome	600.1260	9755
23280	7590	05/01/2006		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				
			EXAMINER EDWARDS, LAURA ESTELLE	
			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,774

Applicant(s)

DE VROOME, CLEMENS
JOHANNES

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menet et al (USPAP 2002/0106444) in view of Werner et al (DE19650125) for reasons mentioned in the previous office action.

With respect to new claim 15, the applicator of Menet et al can be read to comprise a two-part construction including the sprayer (5) in fluid communication with the roller (10) that directly applies the coating material to the surface of the web or sheet material.

Allowable Subject Matter

Claims 4-6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 2/17/06 have been fully considered but they are not persuasive.

Applicant contends that Menet does not disclose supplying a mixture to a web shaped printing material as claimed but supplying a diluted release agent which is contacted by a liquid metal such that Menet is of a different field than the printing field of the presently claimed invention. This argument is acknowledged, however, the presently claimed invention as well as

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both Menet and Werner relate to the field of coating apparatus. Menet is not required so much to supply a mixture to a web shaped printing material as require structure capable of enabling a mixture to be supplied to a web shaped printing material because the material mixture (i.e., composition) as much as the web shaped printing material (i.e., product to be treated) are both intended to be used with the apparatus and given no patentable weight. Menet does provide for a structural arrangement capable of applying a desired coating mixture to a web or sheet based material because Menet explicitly provides for application of a coating material mixture (i.e., release agent concentrate or mixture thereof in water) as evidenced by [0035] for application to a web or sheet based material formed between two applicator means including rolls (10).

Applicant contends that one skilled in the art would not have combined the textile printing teachings of Werner to the Menet [casting] device to result in the presently claimed invention. This argument is well taken, however, Menet, the primary reference provides a structural coating arrangement so close in structure to the broadly, instantly claimed invention that it sheds a negative light on the patentability of the claimed invention. Menet teaches the options of a coating supply arrangement alternatively including a mixer that can also be a venturi tube, a buffer tank, or a crucible as explicitly set forth in [0045]. Menet is merely silent to the combination of a buffer tank in combination with the mixer so liquid coating material from the supply reservoir is received in the buffer tank prior to intro to the mixer. However, in light of the teachings Werner (see translation, page 2, paragraph being with "In accordance with claim 6" to the subsequent paragraph), a supplemental coating reference as cited by Applicant, it was known in the coating/printing art, at the time the invention was made to provide the combination of an intermediate or buffer tank with a mixer with the benefit of storage of a smaller amount of

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coating material to be mixed in the mixer prior to delivery to the substrate being treated in case of a process change. The motivation for modifying the Menet coating supply arrangement to including the combination of buffer tank and mixer would be simply to use a smaller amount of coating material prior to going into the mixer in lieu of a process change wherein the coating material would be subject to change thereby minimizing waste of coating material.

Applicant contends that neither Menet nor Werner teach a buffer tank for the silicone oil concentrate separate from the mixing tank, the buffer tank receiving the silicone oil concentrate from the reservoir. This argument is not deemed persuasive because Menet provides for a reservoir or receptacle used for the intended purpose of holding desired release type coating material which can be silicone/silica based ([0035]) and Werner provides for the combination of the intermediate or buffer tank and mixer in fluid communication with a reservoir for coating material wherein the coating material flows from the reservoir to the buffer tank then to the mixer. The combination of the teachings of Menet with Werner would only require the Menet apparatus to include after the silicone/silica reservoir placement of an intermediate or buffer tank in the line (31) prior to the mixer (40). It is the Examiner's position that such a modification of the coating supply arrangement of Menet is within the purview of one skilled in the art.

Applicant contends that Menet teaches away from using a separate buffer tank in light of [0045]. This argument is not persuasive because Menet does not teach away from a separate buffer tank in light of [0045] as much as Menet does not suggest a combination of buffer tank and mixer. However, the routineer in the art would readily recognize and appreciate from the teachings of Werner, the benefit of having the combination. Destruction of the Menet apparatus

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would not result due to the use of the combination of the buffer tank and the mixer as well as the fact that the coating material mixture would still be applied to web or sheet based material.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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April 26, 2006